



December 4, 2018

**Via Email to:** [59558-21425185@requests.muckrock.com](mailto:59558-21425185@requests.muckrock.com)

James Brackett  
MuckRock News  
DEPT MR 59558  
411A Highland Ave  
Somerville, MA 02144-2516

**RE: Freedom of Information Act Request ("FOIA") – Degree in Dance**

Dear Mr. Brackett:

Thank you for writing to City Colleges of Chicago ("CCC") in response to its letter of October 15, 2018, informing you that your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (the "Act") of August 17, 2018 was voluminous under the Act. As you recall, CCC's letter of October 15, 2018 requested that you narrow the scope of your request.

On October 24, 2018 you wrote the following:

Will it still be voluminous to ask for emails that include both dance AND 112?

CCC has determined that your request "for emails that include both dance AND 112" is not voluminous under 5 ILCS 140/2(h) of the Act and has attached responsive records. As is standard, CCC has redacted private information such as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses" because that information is exempt under Section 7(1)(b) of the Act.

CCC has excluded those emails that constitute or contain "education records" protected from disclosure under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA"), as those emails are exempt as "information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law" under 5 ILCS 140/7(1)(a) of the Act.<sup>1</sup> See *Chicago Tribune Co. v. Board of Trustees of the University of Illinois*, 680 F.3d 1001, 1004-05 (7th Cir. 2012)(explaining that "Illinois cannot avoid the effects of its commitment to the federal government by giving a narrow reading to 'specifically prohibited from disclosure by federal...law.' Even if Illinois law purports to command the disclosure of particular information, the Supremacy Clause means that federal law prevails. The University thus can assert a defense directly under federal law...")

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<sup>1</sup> CCC is fully aware of the Illinois Office of Attorney General's Public Access Bureau's decision in *Kraft v. College of DuPage*, FOIA Request for Review - 2014 PAC 31572, which determined that the College of DuPage violated the Illinois Freedom of Information Act by withholding student email addresses ("directory information") under FERPA. However, that decision does not apply here since CCC has not withheld student email addresses or any other "directory information" under FERPA.

As well, CCC has excluded a few emails and redacted information from emails related to the formation and approval of the Fine Arts 112 class. These records constitute or contain "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated..." as those emails are exempt from disclosure under 5 ILCS 140/7(1)(f) of the Act. See also *Carrigan v. Harkrader*, 496 N.E.2d 1213, 1214-15 (Ill. App. Ct. 3rd Dist. 1986) (applying Illinois Freedom of Information Act to protect a sheriff's "opinionated recommendation" letter from disclosure.) Finally, CCC has excluded some emails that are exempt from disclosure because they constitute or contain "information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers" and/or "course materials or research materials used by faculty members" under 5 ILCS 140/7(1)(j) of the Act.

All of Harold Washington College's dance program courses are transferrable and ICCB approved.

#### Background:

After CCC approved the syllabi and coursework, transfer agreements were signed in the fall of 2017 with 5 four-year universities in Illinois. In November of 2017, the courses were submitted to ICCB for approval. All the courses were approved by ICCB in January 2018.

In order to receive ICCB approval, an institution must get three public four-year schools to commit to accept the courses for transfer. In this case, CCC obtained 5 – Eastern Illinois University, University of Illinois at Urbana-Champaign, University of Illinois at Springfield, UIC and SIU-Carbondale. (And CCC continues to work with partners to develop more transfer agreements.)

IAI is a division within ICCB; it's role is to provide state-wide approval for general education courses or specific major courses. Fine Arts 112 is IAI approved - it's an academic course in the Humanities.

IAI does not have equivalent dance studio courses, but Harold Washington College is exploring the possibility. All of the dance courses are transferrable and ICCB approved.

You have a right to have the Public Access Counselor ("PAC") at the Office of the Illinois Attorney General review this response to your request under 5 ILCS 140/9.5(a) of the Act. You can file your Request for Review with the PAC by writing to:

Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Phone: 1-877-299-3642  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

You also have the right to seek judicial review of your denial by filing a lawsuit in state circuit court under 5 ILCS 140/11 of the Act.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date

of this letter. When filing a Request for Review with the PAC, you must include a copy of your original FOIA request and this letter.

Sincerely,



Karla Mitchell Gowen  
General Counsel  
kgowen@ccc.edu

Enclosures:

*Docs re MuckRock Request (redacted).pdf*